



Appeal Decision

Site Visit made on 30 April 2021

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2021

Appeal Ref: APP/G4240/W/21/3269085

Land between Pentire & Springfield, Mottram Road, Hyde, SK14 3AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Neil Morten against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 20/00948/OUT, dated 25 September 2020, was refused by notice dated 17 December 2020.
 - The development proposed is demolition of a redundant BT building and construction of a single detached two-storey dwelling.
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Decision

1. The appeal is allowed and outline planning permission is granted for the demolition of redundant BT building and construction of a single detached two storey dwelling at land between Pentire & Springfield, Mottram Road, Hyde, SK14 3AR in accordance with the terms of the application, Ref 20/00948/OUT, dated 25 September 2020, subject to the conditions in the attached schedule.

Procedural Matters

2. The application was submitted in outline, with matters of access, layout, scale, appearance and landscaping reserved for future approval. I have therefore treated the drawings showing possible site layouts and elevations as being indicative.

Main Issues

3. The site is located within the Green Belt and in this context, the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and the relevant development plan policies; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Whether inappropriate development

4. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special

circumstances. Framework paragraph 145 says that new buildings should be regarded as inappropriate development, except in specific circumstances. These include criterion (g), which provides for the partial or complete redevelopment of previously developed land where it would not have a greater impact on the openness of the Green Belt than the existing development.

5. Policy OL1 of the Tameside Unitary Development Plan 2004 (UDP) is concerned with the protection of the Green Belt, but it predates the Framework and contains less detail than paragraph 145 on the circumstances in which development may be regarded as not inappropriate. Consequently, I have used the wording from the Framework, which sets out current national policy on Green Belts, rather than Policy OL1.
6. The appeal site is located within a row of residential properties fronting onto Mottram Road (A57). The plot is narrower than those of the surrounding houses and contains a brick built former BT exchange building, with a steeply pitched roof. To the rear of this building are two flat roofed garages.
7. The existing building, which is clearly visible from the road, is smaller than the adjacent houses but it occupies the majority of the plot width. The proposed two storey development would be greater in height than the BT exchange building, but the constraints of the plot would limit the overall scale of the new house. The proposal would result in a modest increase in built form, but given the location of the site within an existing built up frontage, the effect on the openness of the Green Belt would be minimal.
8. The proposed redevelopment of this previously developed site would preserve openness and so would comply with the provisions of Framework paragraph 145g). As such, it would not be inappropriate development in the Green Belt.

Character and appearance

9. The area around the appeal site has a mix of uses, with a small business park on the opposite side of Mottram Road. However, the appeal site is primarily viewed in the context of the row of houses within which it sits. There are a mixture of property styles and ages within the group, which includes semi-detached and detached houses and bungalows, all of which are elevated above street level to a varying degree. Whilst there is significant variation in their appearance, the significant set back of the houses from the road, together with the fairly regular building line, are important elements which contribute to the character of the area.
10. The former BT building is set back from the road by a similar distance to its immediate neighbour, Pentire, and the indicative layout plans show that a dwelling could be accommodated on the site which followed the building line and retained the set back. The existing building is unassuming in appearance and the proposed house would be larger and more visible within the streetscene. However, the plot is of sufficient size to accommodate a small house, and the lack of consistency in the existing built form would enable the proposed house to be accommodated without appearing incongruous within its setting.
11. The appeal site occupies a narrower plot than that of the surrounding houses, and the proposed house would be sited close to Pentire, which has been extended to the side. However, along the row of houses there is variation in

both plot widths and the degree of spacing between the properties, with Three Hills, which adjoins Pentire, being sited close to its neighbour on the other side. The proximity of the proposed house to Pentire would therefore not appear unusual or out of place, and the access track on the other the side of the site would provide separation between the proposed house and Springfield. As a result, the development would not appear cramped.

12. I note the Council's concerns that the access track would frame the proposed house and increase its prominence from Mottram Road. However, views along the track towards the new building would be screened in part by the side garage at Springfield. Provided that a sizeable set back from the road was retained, I am satisfied that the proposal would not appear unduly prominent from Mottram Road.
13. I acknowledge that surrounding properties generally have areas for parking at the side, whereas the indicative site and elevation plan suggests that the proposed house would have parking spaces at the front. All such details are reserved for future consideration, but the suggested parking layout would still allow space in front of the house for a garden area. This would enable the incorporation of soft landscaping which would help the proposed development to assimilate into the area and contribute positively to its character.
14. I conclude that the proposed dwelling could be accommodated on the site without causing undue harm to the character and appearance of the area. I have found no conflict with UDP Policy C1, which requires proposals to understand and respect the distinct settlement pattern, topography and townscape character of the area. I am satisfied that a scheme could be developed which complied with the design considerations contained in Framework paragraph 130.
15. UDP Policy H10 is concerned with the detailed design of housing developments but this application is purely in outline and matters of layout, design and external appearance are excluded at this stage. I have found the principle of development on the site to be acceptable, but it will be necessary to address the detailed criteria set out in Policy H10 at the reserved matters stage.
16. The Council has also referred to UDP Policy H9, but the proposal does not constitute backland development and is not within an existing garden, so this policy is not directly applicable to the appeal scheme.

Other Matters

17. I note concerns about potential impacts on privacy to a neighbouring property, particularly given the higher level of back gardens. However, the access track provides a reasonable degree of separation, and existing landscaping would assist with screening and help to ensure privacy. These factors would help to avoid any harmful effect on the living conditions of neighbouring occupiers, but the potential impact on amenity would also need to be addressed as part of the consideration of detailed layout and design as part of any future reserved matters application.
18. A neighbouring resident has commented that permission from the landowner would be required for the new dwelling, however this is a legal matter which does not prevent planning permission from being granted.

19. I have found that the proposal is consistent with the development plan and policies in the Framework. In accordance with Framework paragraph 11, planning permission should therefore be granted without delay. Given these circumstances, it is not necessary to address any implications of the five year housing land supply situation in this appeal.

Conditions

20. In addition to conditions setting out a timescale for the submission of reserved matters and implementation of development, a condition specifying plans is necessary in the interests of certainty. The Council's suggested condition requiring details of facilities for the storage and collection of refuse is reasonable and necessary to protect the quality of the local environment, and details of foul and surface water drainage are also necessary to avoid risk of flooding. I have imposed these conditions, with minor wording changes to improve precision and enforceability.
21. The Council has also suggested a condition requiring a preliminary risk assessment to determine the potential for the site to be contaminated. However, no explanation as to why this is necessary has been provided, and given the former use of the building as a telephone exchange within a residential area, it seems unlikely that the land is contaminated. I have not, therefore imposed this condition. There are no trees on the site, so the suggested condition requiring fencing for the protection of any retained trees is also unnecessary.
22. The Council has also suggested that permitted development rights for extensions, alterations and the erection of garages and outbuildings should be removed due to the potential impact on amenity and the protection of trees. However, Framework paragraph 53 advises that planning conditions should not be used to restrict national permitted development rights unless there is a clear justification to do so. No compelling reason for imposing this condition has been given, and as the details of the proposed house have not been agreed at this stage, the need to limit permitted development rights to protect amenity is unclear. As such, the suggested restriction of rights contained in Part 1 of Schedule 2 of the General Permitted Development Order is not reasonable, and I have therefore not imposed this condition.
23. The Council's Environmental Strategy officer suggested a condition aimed at ensuring that future occupiers would not be adversely affected by external noise. Given the location of the site close to two major roads and opposite an industrial park, I agree that this is necessary to ensure satisfactory living conditions, and have imposed a suitable condition. I have used the Council's suggested amendment, which avoids any requirement for details to be provided prior to development commencing.
24. The Environmental Strategy officer also suggested a condition restricting working hours, but as the proposal is for a single dwelling only, the construction period is likely to be short. Such a condition is therefore not necessary.

Conclusion

25. For the reasons given, I conclude that the appeal is allowed subject to the attached conditions.

R Morgan

INSPECTOR

Schedule of conditions

- 1) Details of the access, appearance, landscaping, layout and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the site plan and site location plans submitted with the application.
- 5) Prior to the occupation of the dwelling hereby approved, details of facilities for the storage and collection of refuse and recyclable materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained thereafter.
- 6) With exception of site clearance and demolition, no construction work shall take place until a scheme for protecting the occupants of the proposed dwelling from noise from the A57, M67 and nearby industrial park shall have been submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before the dwelling is occupied and retained thereafter.
- 7) No development shall take place until:
 - (a) Full foul and surface water drainage details, including a scheme to reduce surface surface water run-off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the local planning authority;
 - (b) Porosity tests are carried out to demonstrate that the subsoil is suitable for soakaways;
 - (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;The drainage scheme shall be implemented in accordance with an agreed timetable, and retained throughout the life of the development.